



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Odell Rolling, III,  
Sewer Repairer 2/Water Repairer 3  
(M0932W), East Orange

Examination Appeal

CSC Docket No. 2019-2649

ISSUED: AUGUST 16, 2019 (SLK)

Odell Rolling, III appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the open competitive examination for Sewer Repairer 2/Water Repairer 3 (M0932W), East Orange.

The examination at issue was announced with specific requirements that had to be met as of the August 21, 2018 closing date. The experience requirements were two years of experience in sewer installation or repair work and/or in varied plumbing work and/or in the operation and maintenance of sewer maintenance, **and** three years of experience in the installation, repair, and maintenance of water mains, pipes, valves, hydrants, and other water service equipment and/or in the operation of water treatment plant apparatus and/or in varied plumbing work. Three individuals applied, and each was determined ineligible. Consequently, the examination was cancelled due to a lack of qualified applicants.

On his application, the appellant indicated that he was provisionally serving in the subject dual title from June 2018 to the August 21, 2018 closing date. Personnel records indicate that the appellant was provisionally serving in the subject title from January 2018 to the closing date and a Laborer 1 from January 2010 to January 2018. Agency Services credited the appellant with three months of experience for each title based on his provisional service in the subject dual title that he indicated on his application, but determined that he lacked one year and

nine months of experience for the Sewer Repairer 2 title and two years and nine months of experience for the Water Repairer 2 title.

On appeal, the appellant asserts that as Laborer 1, he has performed the duties for both the Sewer Repairer 2 and the Water Repairer 3 titles for the last eight years. Additionally, he submits a letter from the appointing authority that confirms that the appellant has performed the required duties for both titles for the past five years.

## CONCLUSION

*N.J.A.C.* 4A:4-2.3(b)2 requires applicants to possess all the requirements specified in an announcement for an open competitive examination by the closing date. *N.J.A.C.* 4A:4-2.1(f) provides that an applicant may amend a previously submitted application only prior to the announced closing date. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause in a particular circumstance in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, Agency Services correctly determined that the appellant was not eligible for the subject examination as he did not list his experience as a Laborer 1 on his application. On appeal, the appointing authority confirms that the appellant performed the required duties of a Sewer Repairer 2 and a Water Repairer 3 for five years while serving as a Laborer 1. Therefore, the appellant demonstrated that he possessed the required experience for both titles by the August 21, 2018 closing date. However, the importance of submitting a properly completed application that includes all of the necessary information cannot be overstated, since a complete application provides the only reliable barometer by which Agency Services can make the initial determination whether to admit or reject an applicant. Agency Services has no other tool to rely on in order to make this important initial assessment in an expeditious, fair and efficient manner.

Although *N.J.A.C.* 4A:4-2.1(f) proscribes the amendment of an application after the closing date set in the announcement, the Civil Service Commission (Commission) notes circumstances present that provide good cause to permit the appellant to amend her application in this particular matter. Specifically, the examination was cancelled due to a lack of qualified candidates. Additionally, the appellant continues to serve provisionally in the subject title. Further, the Commission notes that the dual purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. These interests are best served when more, rather than fewer, individuals are presented with employment opportunities. *See Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998). In this regard, the Commission finds that the appellant has demonstrated that he has the required experience for both a Sewer Repairer 2 and a Water Repairer 3 by the closing date, which, based on the circumstances presented, warrants his admission

to the subject examination. Accordingly, good cause is established to relax the provisions of *N.J.A.C.* 4A:4-2.3(b)2 and *N.J.A.C.* 4A:4-2.1(f) and admit the appellant.

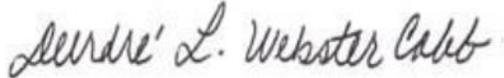
The Commission cautions the appellant that, in the future, she should ensure that any applications are fully and completely filled out as his failure to do so will be cause for rejection from the selection process. Finally, this determination is limited to the instant matter and does not provide precedent in any other matter.

**ORDER**

Therefore, it is ordered that the appeal be granted, the cancellation of the examination be rescinded and the appellant's application be processed for prospective employment opportunities only.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 14<sup>th</sup> DAY OF AUGUST, 2019



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